

FIRST REGULAR SESSION

# SENATE BILL NO. 132

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SMITH.

Pre-filed December 18, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0830S.011

## AN ACT

To repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to school safety.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 160.775, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 160.775, to read as follows:

160.775. 1. Every district shall adopt an antibullying policy by September  
2 1, 2007.

3 2. "Bullying" means **discrimination**, intimidation, or harassment that  
4 causes a reasonable student to fear for his or her physical safety or property;  
5 **that substantially interferes with a student's educational performance,**  
6 **opportunities, or benefits; or that substantially disrupts the orderly**  
7 **operation of the school.** Bullying may consist of physical actions, including  
8 gestures, or oral or written communication, and any threat of retaliation for  
9 reporting of such acts. **Bullying is prohibited by school employees or**  
10 **students on school property, at any school function, or on a school bus.**

11 3. Each district's antibullying policy shall be founded on the assumption  
12 that all students need a safe learning environment. [Policies shall treat students  
13 equally and shall not contain specific lists of protected classes of students who are  
14 to receive special treatment.] **Bullying that is reasonably perceived as**  
15 **being motivated by any of the following characteristics or categories,**  
16 **whether actual or perceived, is prohibited:**

17 (1) **Race;**

18 (2) **Color;**

19 (3) **Religion;**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

- 20           **(4) Ancestry;**  
21           **(5) National origin;**  
22           **(6) Gender;**  
23           **(7) Sexual orientation as defined in section 557.035, RSMo;**  
24           **(8) Intellectual ability;**  
25           **(9) Physical appearance;**  
26           **(10) A mental, physical or sensory disability or disorder; or**  
27           **(11) On the basis of association with others identified by these**  
28 **categories.**

29 Policies may include age appropriate differences for schools based on the grade  
30 levels at the school. Each such policy shall contain a statement of the  
31 consequences of bullying.

32           4. Each district's antibullying policy shall require, **at a minimum, the**  
33 **following components:**

34           **(1) A statement prohibiting bullying, which shall include a**  
35 **definition no less inclusive than the definition in subsection 2 of this**  
36 **section;**

37           **(2) A statement requiring** district employees to report any instance of  
38 bullying of which the employee has firsthand knowledge[. The district policy  
39 shall address training of employees in the requirements of the district policy];

40           **(3) A procedure for reporting an act of bullying;**

41           **(4) A procedure for prompt investigation of reports of serious**  
42 **violations and complaints, identifying either the principal or the**  
43 **principal's designee as the person responsible for the investigation;**

44           **(5) The range of ways in which a school will respond once an**  
45 **incident of bullying is confirmed;**

46           **(6) A statement that prohibits reprisal or retaliation against any**  
47 **person who reports an act of bullying and the consequence and**  
48 **appropriate remedial action for a person who engages in reprisal or**  
49 **retaliation;**

50           **(7) A statement of how the policy is to be publicized; and**

51           **(8) A process for discussing the district's antibullying policy with**  
52 **students and training school employees and volunteers who have**  
53 **significant contact with students in the requirements of the policy.**

54 Notice of each district's policy shall appear in any school district  
55 publication that sets forth the comprehensive rules, procedures, and  
56 standards of conduct for schools within the school district, and in any

57 **student or school employee handbook.**

58 **5. The state board of education shall develop model policies to**  
59 **assist local school districts in developing policies for the prevention of**  
60 **bullying no later than September 1, 2010.**

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